

INVENTOR: HARSLEY, Andrew
Serial No. 10/560,137

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REMARKS

Claims 1 to 16 were rejected under 35 U.S.C. 102/103 (i.e. that the prior art is allegedly the same as that of the claim but the function is not explicitly disclosed by the reference) as anticipated by or obvious over Harsley (5,799,376). The Examiner has asserted that "Harsley teaches a tie strip with cells and latching members that appear to be substantially similar to those disclosed in the instant specification as supporting the instant claim language." The Examiner further asserts that it "is unclear how the instant structure supports the "saddle" functional language, while that of Harsley does not" and that "[a]s the PTO does not have experimental facilities, the burden of proof is shifted to applicant." The Applicant respectfully traverses this rejection.

Claim 1 has been amended to specifically recite that the claimed aperture is extended rearwardly by a notch in the rear wall portion bounding the aperture. The **notch** is not found in the prior art cited by the Examiner. The claimed notch provides a weakening along the spine of the tie strip, which enables the aperture to fold into the saddle shape. The claimed notch and its benefits over the Applicant's own prior art (Harsley 5,799,376, which is the prior art relied upon by the Examiner) are discussed at page 5, lines 29 - 34 of the Applicant's specification and described in further detail with respect to the preferred embodiments discussed on page 12, lines 13 - 30 and page 13, lines 22 to page 14 line 13.

As the prior art neither discloses nor teaches the claimed notch, the Applicant respectfully requests that the claim rejections be withdrawn.

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Reconsideration of the application as amended respectfully is requested. The foregoing amendment and remarks are believed to be responsive to every matter raised in the office action. If, however, some matter has been overlooked, an opportunity to correct the oversight would be appreciated.

Respectfully submitted,



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